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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/830,165	04/21/2004	James Johnson	769-239 Div. 3	8147
51468	7590 11/29/2005		EXAM	INER
PITNEY HA		AHMAD, NASSER		
ACCOUNT: ILLINOIS TOOL WORKS INC. 7 TIMES SQUARE NEW YORK, NY 10036-7311			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/830,165	JOHNSON ET AL.				
Office Action Summary	Examiner	Art Unit				
•	Nasser Ahmad	1772				
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	NATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 19 S	September 2005.					
,_	This action is FINAL . 2b) This action is non-final.					
· ·						
closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
4) Claim(s) 18-21 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) <u>18-21</u> is/are rejected.						
7) Claim(s) is/are objected to.	or election requirement					
8) Claim(s) are subject to restriction and/o	or election requirement.					
Application Papers						
9) The specification is objected to by the Examine	er.					
10) The drawing(s) filed on is/are: a) acc	•					
Applicant may not request that any objection to the						
Replacement drawing sheet(s) including the correct						
11) ☐ The oath or declaration is objected to by the E	xaminer, Note the attached Office	ACTION OF TO THE TO-192.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	n priority under 35 U.S.C. § 119(a)-(d) or (f).				
1. Certified copies of the priority documents have been received.						
Certified copies of the priority documen						
3. Copies of the certified copies of the price		ed in this National Stage				
application from the International Burea		a d				
* See the attached detailed Office action for a list	t of the certified copies not receive	eu.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary	/ (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	6) Other:	assuration (i to tor)				

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DETAILED ACTION

Rejection Maintained

- 1. Claims 18-21 rejected under 35 USC 102e) as being anticipated by Johnson'397 or '423 for reasons of record mentioned in the last Office Action of June 15, 2005 and in the Office Action of March 17, 2005.
- 2. Claims 18-21 rejected under the judicially created doctrine of obviousness-type double patenting for reasons of record in the last Office Action.

Response to Arguments

3. Applicant's arguments filed September 19, 2005 have been fully considered but they are not persuasive.

Applicant argues that a Rule 132 Declaration is not required here because the applied prior art inventor is Johnson, who is an inventor of the present application. This is not deemed to be convincing because the inventive entity of the applied references and that of the instant application are different, and hence, a Rule 132 Declaration or by an appropriate showing under 37 CFR 1.131 in order to overcome the references.

Further, the double patenting rejection is maintained in the absence of any filing of terminal disclaimer by the applicant or any ground(s) of traversal.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the instant claimed invention is anticipated by the prior art of record and rejected under obviousness-type double patenting as discussed above.

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Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nasser Ahmad

Primary Examiner Art Unit 1772

N. Ahmad. November 22, 2005.